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10/754,114

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Paul A. Smethers

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05/22/2006

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EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/754,114

Applicant(s)

SMETHERS, PAUL A.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-10,12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/13/06</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Applicant's Amendment filed 02/13/06 has been entered and carefully considered. Claims 1, 9 and 17 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1, 2, 4, 6-10, 12 and 14-17 are rejected under the new ground of rejection as set forth below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7, 9, 10, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. [US. 6,169,911] in view of Microsoft Word.

As to claims 1, 9 and 17, Wagner et al. teach a computer implemented method and corresponding apparatus of a hand-held wireless communication device which lacks a direct pointing device comprising the steps/means of a processor (column 2, line 60 through column 1, line 18); a display (figure 4, 4); a pointing device capable of specifying directional inputs along only a single axis (figure 4, up/down arrows); a storage device

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capable of specifying directional inputs along only a single axis (column 4, lines 13-19);

a body that is scrollable in response to user inputs from the pointing device (figure 4, the body area (4) contains a list of email messages), and a static area (the static area contains "message" control) located adjacent to the body, the static area including a control operable in response to user inputs, wherein the static area is non-scrollable so as to remain visible when the body is scrolled (figure 4); such that the user may move an indicator between the body and the static area by using the pointing device (figure 4, the user can move an indicator (the highlight) between "Messages" and "Sue Smith"), the indicator for indicating an item shown on the display, wherein the static area and the body each include one or more items (figure 4, at least an item is shown in the body area).

Wagner et al. fail to clearly teach the indicator automatically moves from the body to the static area if:

the indicator currently indicates a predetermined item in the body in proximity to the static area; a user input from the pointing device is received specifying movement of the indicator toward the static area, and the body has already been scrolled away from the static area by a maximum amount.

However, Microsoft Word teaches these limitations at figures 2-5. The static area is in a first area of figure 2, including "Track Changes, User Information, Compatibility, File Locations, View, General, Edit, Print, Save, Spelling&Grammar".

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The body area is the second area of figure 2, including "Draft output, Update fields, Update links,.....Print data only for forms and OK, Cancel".

The indicator (the highlight) automatically moves from the "Cancel" of the body area (figure 4) to "Print" of the static area (figure 5).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the Microsoft Word implementation of the automatically move from the body to the static area with the Wagner's teachings. Motivation of the combination would have been to enhance the GUI features.

As to claims 2 and 10, Wagner et al. also disclose the pointing device comprising a set of up/down directional keys (figure 4, up/down keys).

As to claim 4 and 12, Wagner et al. fail to clearly teach the indicator automatically moving from the static area to the body in response to receiving a user input from the pointing device when a predetermined item in the static area is indicated by the indicator. However, Microsoft Word teaches these limitations at figures 2-5. The static area is in a first area of figure 2, including "Track Changes, User Information, Compatibility, File Locations, View, General, Edit, Print, Save, Spelling&Grammar".

The body area is the second area of figure 2, including "Draft output, Update fields, Update links,.....Print data only for forms and OK, Cancel".

The indicator (the highlight) automatically moves from the "Cancel" of the body area (figure 4) to "Print" of the static area (figure 5).

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the Microsoft Word implementation of the automatically move from the body to the static area with the Wagner's teachings. Motivation of the combination would have been to enhance the GUI features.

As to claims 7 and 15, Wagner et al. fail to clearly teach the static area being a header of the screen. However, Microsoft Word teach "Print" Tab being the header of the screen figure 2. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the Microsoft Word implementation with the Wagner's teachings. Motivation of the combination would have been to enhance the GUI features.

Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. [US. 6,169,911] in view of Microsoft Word. As to claims 6,8 and 14,16, Wagner et al. in view of Microsoft Word fail to clearly teach the static area being located along an edge of the display and being a footer of screen. However, official notice is taken that implementation of locating the static area along the edge of the display and the footer were well known in the computer art because of the designing choices. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation with Wagner in view of Microsoft Word's teachings in. Motivation of the combination would have been to be convenient for users.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

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The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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BA HUYNH  
PRIMARY EXAMINER

